
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TROYDON SHONNARD GLOVER,

Plaintiff,

versus

MAJOR THERIOT, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-CV-232

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Troydon Shonnard Glover, a prisoner previously confined at the Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Major Theriot, Sheriff Woods, Captain Cassedy, Lieutenant Fredricks, and Correctional Officer Vega.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the complaint pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes

the objections are without merit. Plaintiff has not shown that his lack of access to a law library in July and August of 2005 prevented him from filing a non-frivolous case challenging his criminal conviction or the conditions of his confinement. Although a criminal case was pending against him, plaintiff was represented by court-appointed counsel during the relevant time period. *See Glover v. State*, 2007 WL 5442525, at *5 (Tex.App.--Beaumont, Aug. 27, 2008, n.w.h.) (unpublished).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 11th day of May, 2009.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE